

SAFE & SOUND AT WORK



Do your bit to involve your employees in health and safety

A guide for non-unionised
small businesses



Introduction

By law, you must consult all employees on health and safety issues at work.

This document explains how to involve your employees, either directly or via a worker representing their colleagues. In addition, the document explains what support any newly trained health and safety representative will need.



Who is this information for?

This publication is a guide for non-unionised small businesses seeking advice on ways to consult employees on health and safety matters and is part of the 'Do Your Bit' initiative.

For the purpose of this guide, the term 'representative' means a representative of employee safety elected under the Health and Safety (Consultation with Employees) Regulations 1996. In unionised workplaces, representatives are appointed through the Safety Representatives and Safety Committees Regulations 1977. For more information on union safety representatives, visit www.hse.gov.uk/involvement.

The simplest way to involve employees is through regular conversation. It is important, not only because the law requires you to consult, but because everyone from managers to individual employees can improve health and safety standards.

Your employees often know a lot about health and safety issues in your workplace - and how to deal with them. There is evidence that businesses which involve workers in managing health and safety have improved health and safety

standards, better productivity and a more motivated workforce. There is also strong evidence that unionised organisations have healthier and safer workplaces because of the important role played by safety representatives.

Consultation is not something you should fear. It can simply mean talking regularly to your employees and considering their views before you make decisions about health and safety.

Consultation does not remove your duty to manage as an employer. You must still make the final decision, but talking to your employees is an important part of making an informed decision and successfully managing health and safety.

There are a variety of employment arrangements in workplaces, including employees, independent contractors and agency personnel. Your legal duty to consult applies only to your employees. However, you may find it beneficial to include non-employees in this consultation. For the purpose of this guide, the term 'employee' applies to people working under any of these arrangements. Some workers who are self-employed, eg for tax purposes, are classed as employees under health and safety law.

Ways to consult

If it is not practical for you to consult individual employees directly, having a health and safety representative who has undertaken training and can represent the views of groups of employees may be more beneficial. You should allow representatives to be elected by their colleagues.

Make sure all employee groups are consulted including:

- those covered by the representative; and
- those not covered by the representative who will need to be consulted directly.

You can consult in several ways, including regularly scheduled meetings (eg toolbox talks; production meetings; team meetings or face-to-face discussions) as well as one-off meetings to discuss health and safety matters, which need to be tackled directly, or emerging matters.

Other, indirect ways of consulting include staff surveys, employee suggestion schemes and noticeboards.

You can use one or a mix of these methods, depending on your workplace.

Why talk to your employees about health and safety?

Talking to your employees about health and safety can result in:

- a healthier and safer workplace, due to employee input on identifying hazards, assessing risks and developing ways to control or remove risks;
- better decisions about health and safety based on the input and experience of a range of people in the organisation - including employees with extensive knowledge of their job and the business;
- stronger commitment by employees to implementing decisions or actions when they have been actively involved in reaching decisions;
- greater co-operation and trust due to regular and effective communication which will result in a better understanding of each other's views, as you work together to solve problems.

What must you consult about?

You must consult employees either directly or through their representative on the following:

- new measures which may substantially affect their health and safety at work, eg new equipment, new ways of working and new procedures;
- arrangements for getting competent people to help satisfy health and safety laws;*
- information you must give employees, including the risks to health and safety arising from their work, measures to reduce or get rid of these risks and what they should do if they are exposed to a risk, including emergency procedures;
- planning and organising health and safety training; and
- health and safety consequences for them of any new technology you plan to introduce.

* A competent person has sufficient training, experience, knowledge and other qualities that allow them to assist the employer to meet those requirements. For further information, see www.hse.gov.uk/business/competent-advice.htm.

What does consultation on health and safety involve?

Provide information

Consultation does not mean telling your employees or their representative about decisions you have already reached on health and safety matters. Consultation means listening to your employees' views before making any final decisions. Good practice is to jointly solve problems through engagement.

To aid this consultation you should provide relevant health and safety information that you should already have as part of your health and safety management.

The information you provide should be easy to understand

If any employees have difficulty understanding English or have low literacy levels, there are a number of ways you can communicate with them to encourage their involvement:

- use interpreters;
- translate written information;
- use pictorial information and signs where appropriate; and
- when information has to be in English, use simple language and allow time for it to be understood.

Take employees' views into account

Listen to your employees and representatives before making final decisions. This does not mean you will always agree. You should respond to concerns and questions raised and explain why the final decision has been reached.

Respond to employees who engage in health and safety issues

It is a good idea to provide direct feedback to employees who contribute. This lets them know their participation has been effective and may encourage other workers to participate.

Support for representatives

Give your representative enough time to express their views

You should allow time for your representative to consider issues and get back to you with informed responses. They should be encouraged to ask questions, raise concerns and make recommendations - taking account of the views of employees.

Provide paid time

Representatives in your workplace must have such paid time as is reasonable to:

- carry out their functions during their normal working hours; and
- allow them to undergo training.

Facilities and assistance

You must provide representatives with such other facilities and assistance as they reasonably require to carry out their functions. This may include:

- a telephone and quiet area where they can hold private conversations as part of their role;
- a lockable cabinet or desk for paperwork, records or reference material;
- intranet and internet facilities;
- a photocopier and noticeboard to circulate information to the employees they represent; and
- regular time with you to discuss health and safety issues.

How to improve health and safety in your workplace

You can begin to improve health and safety standards by:

- using the webtool on the 'Do Your Bit' website to identify what you can do to improve workforce involvement in health and safety and see how other employers have achieved a higher standard;
- suggesting that your workforce elect a representative;
- arranging for new representative(s) to attend relevant training;
- developing a plan to ensure you deal with important health and safety issues within your business. The guidance *Involving your workforce in health and safety: Good practice for all workplaces* will help you.

For more information on consulting with employees or representatives, see the leaflet *Consulting employees on health and safety: A brief guide to the law* and the Approved Code of Practice and guidance *Consulting workers on health and safety*. More information can be found on the 'Do Your Bit' website: www.hse.gov.uk/doyourbit.



Case study

Small business with health and safety representatives

Overview

This small warehousing company had 25 employees. The business had difficulty in talking directly to all employees, so management arranged for the election and training of a health and safety representative.

The company decided to buy new forklifts. After discussions with the health and safety representative, the company recognised that it needed to redesign the layout of the warehouse so that forklift traffic was completely separated from pedestrian activity, and construct a new loading dock to allow trucks to be loaded at tray level.



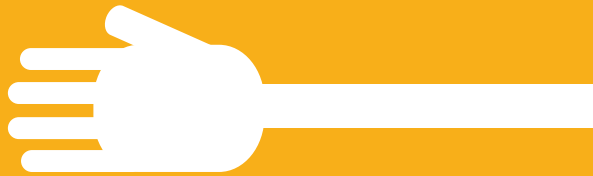
When to consult

Consultation was required when:

- making decisions about procedures for consulting with employees;
- the company proposed purchasing new forklifts and redesigning the warehouse layout; and
- identifying or assessing risks and making decisions about risk controls, eg designing the layout of the warehouse to incorporate a new traffic management system and developing and constructing a new loading dock.

Who to consult

Management consulted with the elected health and safety representative to find out who needed to access the warehouse or loading bays, eg forklift drivers, dispatch employees, supervisors and maintenance employees.



How to consult

Initially, the operations manager met with health and safety representatives to discuss issues and agree on a consultation procedure, based on the following:

- the health and safety representative would have adequate time to meet with affected employees to discuss the issues. As a lot of information had to be discussed, it was agreed that employees would have two weeks to consider the information and provide feedback;
- the operations manager would provide relevant information to the health and safety representative to be shared with affected employees.

Employees then raised a number of practical issues which the health and safety representative discussed with the operations manager. The following actions were taken:

- management considered these issues when making decisions;
- management provided a response to employee concerns and suggestions to health and safety representatives and placed a copy on the noticeboard before starting any actions.

Find out more

This booklet offers suggestions on how employers can get the most out of worker consultation. The following documents provide a more comprehensive analysis of an employer's legal duties in relation to worker consultation, including an Approved Code of Practice and other supporting guidance:

Consulting employees on health and safety: A brief guide to the law INDG232(rev1) HSE Books 2008 (single copy free or priced packs of 15 ISBN 978 0 7176 6312 5)
www.hse.gov.uk/pubns/indg232.pdf

Consulting workers on health and safety. Safety Representatives and Safety Committees Regulations 1977 (as amended) and Health and Safety (Consultation with Employees) Regulations 1996 (as amended).
L146 HSE Books 2008
ISBN 978 0 7176 6311 8

Involving your workforce in health and safety: Good practice for all workplaces HSG263 HSE Books 2008
ISBN 978 0 7176 6227 2

Leading health and safety at work: Leadership actions for directors and board members Leaflet INDG417 HSE Books 2007 (single copy free or priced packs of 5 ISBN 978 0 7176 6267 8)
www.hse.gov.uk/pubns/indg417.pdf

For detailed information visit www.hse.gov.uk/doyourbit.

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